

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

BURTON HOLT,

Charging Party,

-v-

COMMISSIONER OF HIGHER
EDUCATION, MONTANA GUARANTEED
STUDENT LOAN PROGRAM.

Respondent.

Case No.: 0061011631

ORDER

On July 29, 2005, Burton Holt (Holt) filed a complaint with the Department of Labor and Industry's Human Rights Bureau (Department) alleging that the Commissioner of Higher Education, Montana Guaranteed Student Loan Program (GSL) discriminated against him based on age and gender when it failed to hire him as a Default Prevention Counselor. Following an informal investigation, the Department determined that a preponderance of the evidence did not support Holt's allegations of unlawful discrimination and the Department issued a Notice of Dismissal. Holt filed objections with the Montana Human Rights Commission (Commission). The Commission considered Holt's objections without oral argument on March 20, 2006.

The Commission reviewed the decision of the Department to dismiss the complaint using an abuse of discretion standard. *Mont. Code Ann. § 49-2-509(4)(2005); Admin. R. Mont. 24.9.1714(3)*. After careful and due consideration, the Commission concludes the determination of the Department to dismiss the complaint is sufficiently supported by the record and there was no abuse of discretion.

A party may ask a district court to review a decision of the Commission to affirm the dismissal of a complaint. *Admin. R. Mont. 24.9.1714(7); See also Mont. Code Ann.*

§ 2-4-702. If a charging party chooses to commence a civil action, charging party has 90 days after the receipt of this order to petition a district court, in the district where the alleged violation occurred, for the appropriate relief. *Mont. Code Ann. § 49-2-509(5) (2005); Admin. R. Mont. 24.9.1714(5)*. If a charging party fails to commence a civil action within 90 days, the claim is time barred. *Id.*

IT IS HEREBY ORDERED, that Burton Holt's objection is **overruled**. The Commission adopts and affirms the determination of the Human Rights Bureau to dismiss the complaint.

DATED this ____ day of March 2006.

Chair Franke Wilmer
Human Rights Commission

CERTIFICATE OF SERVICE

The undersigned secretary for the Human Rights Commission certifies that a true and correct copy of the foregoing ORDER was mailed to the following by U.S. Mail, postage prepaid, on this _____ day of March 2006.

BURTON HOLT
709 KOHRS
DEER LODGE MT 59722

BRUCE MARKS
COMMISSIONER OF HIGHER EDUCATION
STUDENT LOAN PROGRAM
PO BOX 1712
HELENA MT 59604

CATHERINE M. SWIFT
CHIEF LEGAL COUNSEL
MONTANA UNIVERSITY SYSTEM
2500 BROADWAY
HELENA MT 59620

BRIAN HOPKINS
DEPARTMENT OF LABOR AND INDUSTRY
OFFICE OF LEGAL SERVICES
PO BOX 1728
HELENA MT 59624-1728

Montana Human Rights Bureau